

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JERRY EUGENE DEATHERAGE,)
)
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Plaintiff,)
)
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vs.) Case No. CIV-05-0091-F
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)
STEVEN STICE, et al.,)
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)
)
Defendants.)

ORDER

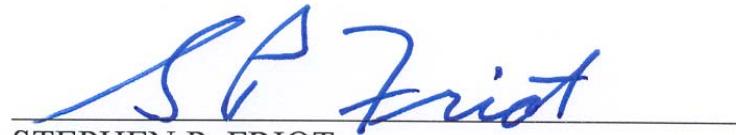
This matter comes before the court on plaintiff's "Objection to Supplemental Report and Recommendation," filed April 25, 2005 (docket entry no. 16), in response to Magistrate Doyle W. Argo's Supplemental Report and Recommendation of April 19, 2005 (docket entry no. 13).

Plaintiff, who appears *pro se* and whose pleadings are therefore liberally construed, objects to the magistrate's conclusion that the only remaining claim against defendant Steven Stice, plaintiff's claim in count I that defendant Stice rendered legal assistance contrary to Oklahoma law, be dismissed without prejudice for failure to state a claim upon which relief can be granted.

Having conducted *de novo* review of all matters addressed in the Supplemental Report and Recommendation as required by 28 U.S.C. § 636(b)(1), the court determines that the Supplemental Report and Recommendation should be, and hereby is, **ACCEPTED** and **ADOPTED** in its entirety. Consistent with this determination, plaintiff's claim in count I that defendant Stice rendered legal assistance contrary to Oklahoma law is **DISMISSED** without prejudice for failure to state a claim upon which relief can be granted. This order does not dispose of all issues referred to the

magistrate judge. Accordingly, this matter remains referred to Magistrate Judge Argo for further proceedings consistent with the court's prior orders of referral.

Dated this 28th day of April, 2005.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

05-0091p003(pub).wpd